

REMARKS

By the above amendment, the status of the parent application has been updated in the specification and new claims 12 - 23 have been presented. Additionally, with regard to the objection to the drawings, submitted herewith is a proposed drawing change and correct drawing of Fig. 2 where reference numeral 51 has been changed to 151. Accordingly, by the submission of the corrected drawing, acceptance of the drawings in this application is respectfully requested.

As to the rejection of claims 1 - 11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 11 of US Patent No. 6,755,932B2, which is the parent application of this continuing application, as recognized by the Examiner, such rejection can be overcome by the submission of the terminal disclaimer. Without acquiescing in the propriety of the obviousness-type double patenting rejection as set forth, in order to expedite the issuance of this application, submitted herewith is a terminal disclaimer and the statutory fee therefor, such that applicants submit that this rejection should now be overcome. Accordingly, claims 1 - 11 should now be in condition for allowance.

With respect to newly presented claims 12 - 23, it is noted that claims 12 and 18 are independent claims and recite features somewhat similar to independent claims 1 and 5 of this application. More particularly, claims 12 and 18 recite the feature of a light receiving unit having an optical transmitter which transmits therethrough a light from the inside of the processing chamber having passed through at least one hole disposed in the plate, the light receiving unit being held by the member disposed in the upper portion of the processing or vacuum chamber, and an end of the optical transmitter being opposed to a back of the plate and the at least one hole so as to be one of in contact with and spaced therefrom by a gap,

which features together with the other features of the independent claims and the dependent claims patentably distinguish over the cited art. Applicants submit the recited structural features enable prevention of adverse influence on detection of light in that an end face of the optical transmitter mounted on the back of at least one through hole is cut by being subjected to the plasma or that foreign matter such as reaction products adhere to the end face of the optical transmitter, whereby the state of processing of the wafer can be stably detected over a long period of time. Accordingly, applicants submit that claims 12 and 18 and the dependent claims thereof should also be considered allowable at this time.

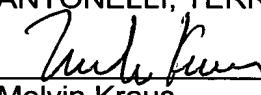
As to the dependent claims, such claims recite additional features of the present invention.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and the objection to the drawings should be overcome such that applicants request favorable action in this application.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.39649CX3), and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachment

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2, correcting reference numeral "51" to be "151".

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

FIG. 2

